

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

EMMETT L. TIMMONS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:09CV20 AGF
)	
MICHAEL J. ASTRUE)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

Currently before the Court is the motion of Defendant, the Commissioner of Social Security, to reverse and remand this Social Security disability case pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Following a hearing on Plaintiff's application for disability insurance benefits and supplemental security income, an Administrative Law Judge ("ALJ") found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner, and Plaintiff sought judicial review of the adverse ruling. The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claims. The Commissioner asserts that upon remand by the Court, the Appeals Counsel will remand the case to the ALJ with directions to: further evaluate the severity

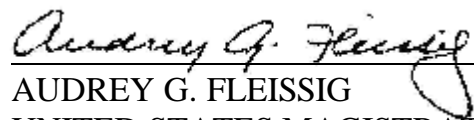
of Plaintiff's substance abuse and depression; properly determine his residual functional capacity both including and excluding analysis of drug addiction and alcoholism and including limitations from mental impairments; if necessary, utilize a vocational expert to determine whether a hypothetical individual with Plaintiff's residual functional capacity could perform "other work" existing in significant numbers in the national economy; and issue a new decision reflecting this analysis. Plaintiff states that he has no objections to the Commissioner's motion to reverse and remand.

Sentence four of 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse and remand this case for further action.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to reverse and remand the case under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further consideration be **GRANTED**. [Doc. #22]

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of December, 2009.